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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/855,936	05/15/2001	Byung Ju Dan	2080-3-15	9451

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EXAMINER

CASLER, TRACI

ART UNIT PAPER NUMBER

3629

DATE MAILED: 12/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/855,936

Applicant(s)

DAN ET AL.

Examiner

Traci L. Casler

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 5,6,8 and 10-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5,6,8 and 10-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This action is in response to papers filed on September 27, 2006.

Claims 5-6, 8, 10-14 have been amended.

Claim 7 has been withdrawn.

Claims 5-6, 8, 10-14 are pending.

Claims 5-6, 8, 10-14 are rejected.

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 5-6, 8, 10-14 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

3. Claim 5 is directed towards determining the maturity level of a device. According to the disclosure a maturity level is determined based on a weighted function, however, the applicant fails to teach the weighted function. This does not supply the necessary information for one of ordinary skill in the art to know what information is used in this function as well as what weight the information is to be given when determining the maturity level.

4. Claim 5 is further directed to "incorporating training" that is used to generate learned content. The disclosure fails to teach how the training is incorporated and what the training consists of as well as how is this used to "generate" learned content.

5. Claim 10 teaches the control module is provided in response to the maturity level which is then used to incorporate training. How is this done when in claim 5 the "incorporating training" is used in determining the maturity level. One of ordinary skill in the art would not in which manner to proceed to make and /or use the invention without undue experimentation.

6. As to claims 12 and 13 the disclosure fails the teach the user controlling the classification and the gatherings. The system is controlling the noted limitations.

7. As for claims 6, 8, 11 and 14 are rejected as they depend from claim 5 and are all based on the determination of the maturity of the device.

\*\*\*\*The examiner notes in view above noted rejections of enablement a rejection based on prior art has been made as the examiner best understands how to make and or use the invention as claimed. \*\*\*\*\*

### ***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 5-6, 8 and 10-14 rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,631,351 B1. Ramachandran et al; Smart Toys.
10. As to claim 5 Ramachandran teach a toy that uses artificial intelligence to determine what information is needed for a toy to hold a conversation. It manages all the functions required for the conversation including the correct responses. (C. 7 I. 4-20)
11. As to claim 6 Ramachandran teaches a social device(C. 3. I. 59-66).
12. As to claim 8 Ramachandran teaches voice recognition(C. 7 I. 44-50)
13. As to claims 10-14 Ramachandran teaches the management of the interaction of the device through various stages(C. 15 I. 9-18).

#### ***Response to Arguments***

14. Applicant's arguments filed September 27, 2006 have been fully considered but they are not persuasive.
15. Applicant argues that based on the sections of the disclosure and the amendments made to the claims that the 112 1<sup>st</sup> rejections have been overcome. First the examiner notes the sections in which the applicant believes disclose the necessary teachings for one of ordinary skill in the art at the time of invention to make and or use the invention are deficient. The sections noted merely give a general description of how one would proceed to use the invention. The disclosure fails to teach specific steps and calculations that would be necessary to carry out the invention as it is claimed. As the examiner has noted earlier, the maturity level as disclosed is based on a weighted

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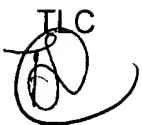
calculation and function, however, the applicant fails to teach what numbers and weightings are used in the functions and calculations.

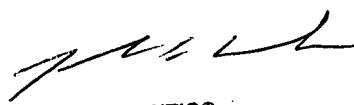
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Traci L. Casler whose telephone number is 571-272-6809. The examiner can normally be reached on Monday-Thursday 6:00 am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TLC  


  
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